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HUMANA INC.,

HUMANA PHARMACY SOLUTIONS, INC.,

HUMANA HEALTH PLAN, INC., and

HUMANA INSURANCE COMPANY

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PRIME AID PHARMACY CORP.,

Plaintiff,

v.

HUMANA INC., HUMANA PHARMACY
SOLUTIONS, INC., HUMANA HEALTH
PLAN, INC. AND HUMANA INSURANCE
COMPANY,

Defendants.

Case No. 2:16-cv-02104-SDW-SCM

Hon. Susan D. Wigenton, U.S.D.J.

Hon. Steven C. Mannion, U.S.M.J.

**NOTICE OF MOTION TO DISMISS
FIRST AMENDED COMPLAINT
WITH PREJUDICE**

Motion Return Date: October 17, 2016

Oral Argument Requested

To: Jonathan L. Swichar, Esq.
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Counsel:

PLEASE TAKE NOTICE that on October 17, 2016, at 9:00 a.m., or at such other date and time as the Court may direct, Defendants Humana Inc., Humana Pharmacy Solutions, Inc., Humana Health Plan, Inc., and Humana Insurance Company (collectively, "Defendants") will move before the Honorable Susan D. Wigenton, United States District Judge, at the Martin Luther King, Jr. Federal Building and United States Courthouse, 50 Walnut Street, Newark, New Jersey 07101, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing with prejudice all claims asserted in the First Amended Complaint by Plaintiff Prime Aid Pharmacy Corp.

PLEASE TAKE FURTHER NOTICE that Defendants will rely on the accompanying Memorandum of Law, Declaration of Mark C. Errico, and proposed form of Order in support of their motion.

PLEASE TAKE FURTHER NOTICE that Defendants respectfully request oral argument pursuant to L. Civ. R. 78.1(b).

Dated: September 14, 2016

Respectfully submitted,

SQUIRE PATTON BOGGS (US) LLP

By: s/ Mark C. Errico
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INC., and HUMANA INSURANCE COMPANY

CERTIFICATE OF FILING AND SERVICE

I certify that on this 14th day of September, 2016, copies of the within Notice of Motion to Dismiss the First Amended Complaint with Prejudice, Memorandum of Law in support thereof, Declaration of Mark C. Errico, and proposed form of Order were filed electronically with the Clerk of the Court, using the CM/ECF system, which sent notification of such filing to:

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